

LONDON THAMES GATEWAY DEVELOPMENT CORPORATION

PLANNING COMMITTEE MEETING: 12 April 2007

Planning Application for LTGDC's Determination

Report of the Director of Planning

CASE NUMBER: LTGDC-07-005-PP **DATE MADE VALID:** 21/12/2006

APPLICATION NO: PA/06/002304/LBTH **TARGET DATE:** 22/03/2006

APPLICANT: Swan Housing Group

AGENT: BPTW Partnership

PROPOSAL: Demolition of existing factory building and warehouse to construct a new four to eight storey building comprising 66 affordable housing units (25x1 bedroom, 23x3 bedroom, and 18x3 bedroom) and 774m² of commercial floorspace comprising of 25 artist studios.

LOCATION: North end of 84 Leven Road, London, E14.

1. SUMMARY

1.1 The application was recommended for approval subject to a S106 agreement at the 8 March 2007 planning committee. The Planning Committee resolved to defer consideration of the application to enable the applicant to consider the planning issues raised by an objector, including the characteristics of the alternative proposals prepared by the objector, and respond accordingly. The report considered at the 8 March 2007 committee meeting is appended to this report in full for information.

1.2 The planning issues raised by the objector related to the (1) quantum of development, (2) provision of amenity space, (3) scale, bulk and massing, (4) impact on amenities of existing residents and (5) car parking provision.

1.3 The applicant has submitted revisions to the proposed development that comprise (1) the replacement of 3x3 bedroom units with 3x4 bedroom units and (2) the provision of an additional 350m² roof top communal amenity space.

1.4 The application is recommended for approval subject to a S106 agreement and conditions.

2. Main Issues

The main issues for consideration relate to:

- Land Use
- Housing mix
- Design
- Residential amenity
- Amenity space
- Car Parking
- Safety
- S106 Agreement

3. REPRESENTATIONS

3.1 It has been advised that the consultants working on behalf of Poplar HARCA will be submitting a further letter of objection for consideration by the planning committee. An update report will be provided in response to representations submitted.

4. Assessment of Issues

4.1 Land Use

4.1.1 Please refer to paragraphs 9.1-9.4 of the report attached at Appendix 1

4.2 Housing Mix

4.2.1 The applicant has amended the proposed housing mix to include the replacement of 3x3 bed units with 3x4 bed units. This has been achieved by reconfiguring the internal room layout and incorporating space created by reducing the size of private balcony space and using space previously used as communal internal corridor space.

4.2.2 The overall unit mix now comprises 25x1 (37%) bed units, 23x2 (34%) bed units, 15x3 (23%) bed units and 3x4 (4%) bed units. Within the social rented allocation the revised housing mix is 13x1 (34%) bed units, 10x2 (26%) bed units 12x3 (31%) bed units and 3x4 (7%) units.

4.2.3 The principle of introducing 4 bed units within the social rented sector is considered to be in greater conformity with the draft Local Development Framework requirement for 20% 1 bed, 35% 2 bed, 30% 3 bed, 10% 4 bed and 5% five and six bed units. While it is acknowledged that there remains a shortfall in the number of larger family sized units within the social rented allocated compared to that sought by the LDF, the housing offer is considered an improvement when taking into account that (1) the LDF policy is in draft form, (2) the site's size and configuration does not lend itself to the provision of tradition family housing types, (3) the area already accommodates a high proportion of social rented family housing units and (4) the development is likely to deliver a larger number of family sized units than an equivalent private scheme.

4.2.3 Although the incorporation of 4 bedroom units within the scheme is considered an improvement to the overall housing mix, it is disappointing that this does not result in a net increase in family sized units and is achieved through the reconfiguration of previously proposed 3 bedroom units. The application is, however, considered to be in broad conformity with adopted and emerging planning policies seeking a balanced

housing mix and an acceptable provision of family sized social rented accommodation.

4.3 Housing Density

4.3.1 The applicant has responded with reference to the financial appraisal which demonstrates that the scheme is experiencing a deficit and that a reduction in development quantum will continue to harm the viability of the scheme. The officer's advice on housing density is set out at paragraphs 9.15-9.22 of the report attached at Appendix 1.

3.4 Residential Amenity

4.4.1 Following discussions with the applicant, LBTH Environmental Health has withdrawn its objection that the development would result in a material deterioration of the sunlight and daylight conditions of existing dwellings in Nairn Street.

4.5 Design

4.5.1 The applicant has responded by stating that the scheme addresses the linear nature of the site extremely well. The scheme is designed as a series of vertical planes that step in and out along its Nairn Street and Leven Road elevations to provide variety in the form of the building. The applicant states that a combination of brickwork, render and cladding panels will complement the form of the building and ensure that it does not read as one continuous mass (see appendices 3 and 4). The officer's advice on design is set out at paragraphs 9.29-9.36 of the report attached at Appendix 1.

4.6 Amenity Space

4.6.1 The applicant has amended the scheme to provide an additional 350m² of communal amenity space. The communal amenity space is provided as a roof terrace and is accessed by a central core serving 9x3 bed units and 3x4 bed family sized units. The scheme amendment is considered to be an improvement to the provision of communal amenity space subject to its design, management and maintenance (see appendices 3 and 4).

4.7 Car Parking

4.7.1 The applicant has responded by stating that it has identified a preferred partner for the provision of a car club on site as part of a wider strategy for its sites. It is proposed that the provision and availability of the car club will be secured through the S106 agreement. Its accommodation within land at the junction of Nairn Street and Leven Road is the subject of a condition requiring the submission of details of the proposed use and design of this space.

4.7.2 The S106 agreement will also be used to prevent future residents from applying for parking permits for the surrounding Controlled Parking Zone. This will ensure the pressure for car parking is controlled.

4.7.3 In relation to the proposal to incorporate three disabled car parking spaces on the highway in Leven Road (see appendix 3), LBTH advise that this cannot be supported within the context of the planning application but will be considered if individual applications are made by future occupiers of the development.

4.8 Safety

4.8.1 Please refer to paragraph 9.44 of the report attached at Appendix 1.

4.9 S106 Agreement

4.9.1 At the 8 March 2007 the Planning Committee resolved to add to the draft list of heads of terms set out a paragraph 11.1 of the report attached at Appendix 1 a financial contribution towards open space provision.

3.9.2 As the proposed development constitutes an intensive use of the site, and will generate additional demand for public transport services, open space provision and health and education facilities, the applicant is required to make appropriate financial contributions towards their improvement and future provision.

3.9.3 The applicant has agreed to make financial contributions towards local environment improvements, education facilities and open space in addition to the provision of affordable housing and affordable business space. The levels of contributions are considered acceptable and set out at paragraph 6.1.

5. CONCLUSION

5.1 The application has been amended to include the incorporation of larger family sized units and additional communal amenity space. The applicant has also provided a written justification (see appendix 5) in response to density, design, amenity, parking and housing mix issues. The alternative scheme is not considered by the applicant to be viable.

5.2 LBTH Environmental Health has withdrawn its objection to the application on grounds that it would result in a material deterioration of the sunlight and daylight conditions of adjoining occupiers.

5.3 The amendments are considered to be improvements to the scheme and the previous objections are not considered to justify refusal in the light of these amendments. The application is considered to be in accordance with relevant planning policies subject to a S106 agreement that secures financial contributions towards improvements to the pedestrian environment, open space provision and education facilities.

6. RECOMMENDATION

6.1 The application is recommended for approval subject to a legal agreement that secures:

- a £40,000 contribution towards environmental/highway improvements;
- a £135,762 contribution towards education provision;
- a £25,000 contribution towards open space provision;
- affordable housing;
- affordable business space;
- car free development;
- provision of a car club.

6.2 The Committee is recommended that the application be delegated to the Director of Planning to approve for the reason set out in Section 10 of the committee report dated 8 March 2007 and attached at appendix 1, subject to:

- a) a legal agreement securing the matters set out in paragraph 6.1;
- b) the conditions set out below;
- c) advance notice being given to the Health and Safety Executive of the Corporation's resolution to approve the planning application and allow the HSE 21 days from the date of the notice to allow them to consider whether they wish

to request that the Secretary of State call-in this application for her determination.

Conditions and Reasons:

- (1) The development allowed by this permission must begin within three years from the date of this decision.

Reason: To ensure planning applications are carried out within a reasonable time period in accordance with Section 91 of the Town and Country Planning Act 1990.

- (2) The building works required to carry out the use/development allowed by this permission must only be carried out within the following times:

- 08.00am to 18.00pm Mondays to Fridays
- 08.00am to 13.00pm on Saturdays

You must not carry out the required building works on Sundays or Bank Holidays.

Noisy operations shall not take place outside these hours unless the Council has agreed that there are exceptional circumstances, for example to meet police traffic restrictions, in an emergency or in the interests of public safety

Reason: To safeguard the amenity of adjacent residents and the area generally in compliance with the following policies DEV50 (Noise) and HSG15 (Preservation of Residential Character) of the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998), and policy DEV1 of the London Borough of Tower Hamlets Development Plan Document (Core Strategy and Development Control) November 2006.

- (3) Full particulars and details of the following shall be submitted to and approved in writing by the local planning authority before the development hereby permitted is commenced and the development shall not be carried out otherwise than in accordance with the particulars so approved. Provision in accordance with the details thus approved shall be made prior to the occupation of the proposed development and shall thereafter be permanently retained and used for that purpose, to the satisfaction of the local planning authority.

- i. Sample board of all external material including photomontages, colour elevations and typical grid patterns;
- ii. Design and external appearance of the lower ground level elevations and ground level frontages to the building, including entrance canopies;
- iii. 1:20 part elevation details of cladding to the northern elevation;
- iv. 1:20 details of balconies, screening details and typical windows including samples of the type, texture and colour of balustrades, handrail finishes and landscaping to roof terraces;
- v. Glazing to artists studios;;
- vi. A scheme with full details of external lighting for the development, including design, location, numbers and levels of illumination;
- vii. Ground floor signage to eastern elevation adjacent Leven Road;
- viii. Provision of communal television reception facilities;
- ix. Design, materials, access and management arrangements of the bicycle storage of the approved development;

Reason: The particulars reserved are considered to be material to the acceptability of the development hereby approved and the local planning authority wishes to ensure that the details of the development are satisfactory in accordance with the requirements of policies DEV2 and DEV9 of the adopted Unitary Development Plan 1998 and policies CP3, CP4, DEV1, DEV2, DEV15, and DEV19 of the Local Development Framework LBTH Development Plan Document Submission Document (November 2006).

- (4) Development of the site shall not begin until a landscape management scheme for the treatment of the open spaces within the site (including roof terraces), including both hard and soft landscaping has been submitted to the local planning authority for written approval. Provision in accordance with the details thus approved shall be made prior to the occupation of the proposed development and shall thereafter be permanently retained and used for that purpose, to the satisfaction of the local planning authority. Details of the scheme should include:

- i. long term design objectives for the site;
- ii. design and layout of the new open space, including access points and public realm areas;
- iii. planting scheme, including written specifications (including cultivation and other operations associated with plants and grass) and schedules of plants, noting species, plant sizes and proposed numbers where appropriate;
- iv. boundary treatment including walls, fences and railings and gates;
- v. safety and security measures for the development,
- vi. disabled access throughout the spaces;
- vii. management responsibilities; and
- viii. maintenance schedules for all landscape areas, including that of the communal roof terrace.

The landscape management scheme to be submitted to and approved in writing by the local planning authority shall be carried out in accordance with the programme agreed and all soft landscaping works must be carried out within the first planting and seeding seasons following the occupation of any part of the development. The communal open spaces shall be made available for all affordable units (social rented and intermediate) in perpetuity. Trees or plants that die, or are removed or become seriously damaged or diseased within five years of the development being finished must be replaced in the next planting season with plants of similar species and size. Any changes of species proposed will need the written permission of the local planning authority prior to planting.

Reason: To make sure open spaces and amenity spaces are of a high quality and to make sure the development meets the requirements of policies DEV1, DEV2, DEV12 and DEV13 of the Unitary Development Plan 1998 and policies CP31, CP46, DEV4, DEV13 and DEV16 of the Local Development Framework LBTH Development Plan Document Submission Document (November 2006).

- (5) The bicycle parking accommodation is to be provided and retained permanently for:

- i. A minimum of 66 cycle spaces.

Reason: To ensure the permanent retention of bicycle spaces for the occupiers and users of this development in accordance with policy T17 of the London Borough of Tower Hamlets Unitary Development Plan (adopted 1998).

- (6) Provision shall be made for the storage of refuse and recycling facilities in accordance with details to be submitted to and approved by the Council as local planning authority prior to the commencement of the development. Such provision shall be made prior to the occupation of the building and shall thereafter be made permanently available for the occupiers of the building.

Reason: To protect amenity and ensure adequate provision for the storage of refuse in compliance with policies DEV55 and DEV1 of the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998), and policies DEV15 and DEV1 of the London Borough of Tower Hamlets Local Development Framework Development Plan Submission Document November 2006.

- (7) A scheme for the attenuation and mitigation of noise and vibration from the transmission of traffic, adjoining uses and also between each of the proposed units of the proposed development shall be submitted to and approved by the Local Planning Authority before the development hereby approved commences and the approved details shall be installed before occupation of any of the units.

Reason: To safeguard the amenities and living conditions of future occupiers in accordance with Council policy DEV2 of the adopted UDP 1998 and policies DEV1, DEV5 and DEV10 of the Local Development Framework LBTH Development Plan Document Submission Document (November 2006).

- (8) Details of a scheme showing how the development shall derive 10% of predicted energy requirements from renewable sources shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of works on site.

Reason: To ensure that the development complies with policy DEV6 of the London Borough of Tower Hamlets Development Plan Document (Core Strategy and Development Control) November 2006.

- (9) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: Important archaeological remains may exist on this site. Accordingly the planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance and model condition set out in PPG16.

- (10) Development shall not begin until drainage details, incorporating sustainable drainage principle and an assessment of the hydrological and hydro geological context of the development, have been submitted to and approved by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of surface water flooding and to improve water quality.

- (11) During Construction no solid matter shall be stored within ten metres of the banks of the River Lea and thereafter no storage of materials shall be permitted in this

area.

Reason: To prevent solid materials from entering the River Lea and causing pollution.

- (12) Development of the site shall not begin until a management scheme and details of the operation and location of the car club have been submitted to the local planning authority for written approval. Provision in accordance with the details thus approved shall be made prior to the occupation of the proposed development and shall thereafter be permanently retained and used for that purpose, to the satisfaction of the local planning authority. Details of the scheme should include:

- i. operation details;
- ii. safety and security measures for the space;
- iii. management responsibilities; and
- iv. maintenance schedules of the allocated parking space.

The car club shall be made available for all units (socially rented and intermediate) in perpetuity. Any changes to the use of this car club space must be approved in writing by the Local Planning Authority.

Reason: To ensure that the occupiers have access to the car club in perpetuity and that the scheme accords with the sustainable transport objectives of policy CP40, CP41, DEV17 and DEV18 of the London Borough of Tower Hamlets Local Development Framework Development Plan Submission Document November 2006.

- (13) Development of the site shall not begin until a decontamination scheme has been submitted to the local planning authority for written approval. The scheme will identify the extent of the existing contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed. Details of the scheme should include:

- i. A 'desk study report' documenting the history of the site.
- ii. A proposal to undertake an intrusive investigation at the site based on the findings of the desk study.
- iii. A 'site investigation report' to investigate and identify potential contamination.
- iv. A risk assessment of the site.
- v. Proposals for any necessary remedial works to contain, treat or remove any contamination.

Where remediation is required, it shall be carried out before the site is occupied and a certificate or validation report stating that remediation has been completed as agreed with the local planning authority must also be prepared by a suitably qualified person and submitted to the local planning authority for written approval. Occupation of the site must not occur until the certificate or validation report has been approved by the local planning authority.

Reason: To make sure that contaminated land is properly treated and made safe before development, to protect public health and to meet the requirements of the following policy in the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998). DEV51 Contaminated Land.

- (14) Full particulars of the Demolition and Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning

Authority before the development hereby permitted is commenced and the development shall not be carried out otherwise than in accordance with the particulars so approved. In particular:

- a. public safety, amenity and site security;
- b. operating hours;
- c. noise and vibration controls;
- d. air quality and dust management plan,
- e. surface/foul water drainage plans/works and associated control measures;
- f. recycling plan for waste and materials reuse;
- g. details of wheel cleaning equipment to prevent the carriage of mud and other materials onto the adjoining highways; and
- h. traffic management, including details of on-site construction parking and delivery arrangements;

Reason: The particulars reserved are considered to be material to the acceptability of the development hereby approved and the Local Planning Authority seeks to safeguard the amenities of adjoining occupiers and ensure the safe flow of traffic along adjoining highways, in accordance with the requirements of policies DEV2, DEV50 and T16 of the adopted UDP 1998 and policies DEV2, DEV9, DEV10, DEV11 and DEV12 of the Local Development Framework LBTH Development Plan Document Submission Document (November 2006).

- (15) The applicant shall enter into a Section 278 agreement of the Highways Acts 1980 (as amended) to secure the repaving and improvement of the footways and kerbs surrounding the site and the highway adjacent to the site.

Reason: To ensure public realm and pedestrian improvement works are completed prior to occupation of the completed development.

- (16) No external plant equipment, vents, flues or telecommunication equipment shall be placed on the elevations or roof of the any building or structure without prior written approval of the Local Planning Authority.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with the requirements of policies DEV1, DEV2 and DEV9 of the adopted UDP 1998 and policies DEV2 and DEV4 of the Local Development Framework LBTH Development Plan Document Submission Document (November 2006).

Informatives

- (1) A section 278 agreement will be required for the proposed highway works in line with the proposed development as set out above.
- (2) You are advised to contact the Council's Head of Building Control at Mulberry Place, 5 Clove Crescent, London, E14 1BY on 020 7364 5009 to ensure all building works are in compliance with the Building Regulations.
- (3) The applicant should contact the Head of Environmental Health Department at Mulberry Place (AH), Anchorage House, P.O. Box 55739, 5 Clove Crescent, London, E14 1BY or on 020 7364 6800 with regard to conditions 3 to 8. The applicant/developer is advised to take into consideration the 'Code of Construction Practice' and current Best Practice guidance.
- (4) Pursuant to Conditions 10 and 11, you should consult the Environment Agency,

Apollo Court, 2 Bishops Square Business Park, St Albans Road West, Hatfield, Herts, AL10 9EX (Environment Agency Correspondence Reference No. NE/2006/014004-4/1).

- (5) Prior consent may be required under the Town & Country Planning (Control of Advertisements) Regulations 1992 for the erection of any advertising signs and/or hoardings on the site.
- (6) The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.
- (7) Facilities should be provided within the site drainage systems for the interception and storage of contaminated water used in fire fighting. For more information please contact Andrew Grant from the Environment Management Team, Environment Agency on 01707 632 450.
- (8) If domestic appliances are to be provided in the new property, the permission holder is advised to consider installing water and energy efficient models.

CASE OFFICER: Will Steadman

Appendix 1: Committee Report dated 8 March 2007

Appendix 2: Site Plan

Appendix 3: Proposed site layout, floorplans, elevations and sections

Appendix 4: Model and photomontages

Appendix 5: Applicant's letter dated 23 March 2007